THE HON'BLE SRI JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 969 of 2006

Dated: 17.01.2006

Between:

Smt.V.Geeta Sree, M.B.B.S.,D.G.O., W/o K.Rajendra Kumar,

M.D.,D.T.C.D., r/o Nookalamma Street, Ramaraopet, Kakinada,

E.G.District.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation, Kakinada, E.G.District.
2 The District Collector, East Godavari District at Kakinada.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 969 of 2006

ORDER:

Seeking to declare the proposed action of the respondents in laying the road through the petitioner's land situated in D.No. 22-2-8/1, Raja Ram Mohan Roy Street, Kakinada, E.G.District without considering the representation of the petitioner dated 7.1.2006 as illegal, arbitrary, this writ petition has been preferred.

It is the case of the petitioner that she is the absolute owner and possessor of the building bearing D.No.22-2-8/1 situated at Raja Ram Mohan Roy Street,

Kakinada, E.G.District. The respondent-Municipal Corporation has taken up the road widening process and in that process, they demolished the structures belong to the Government as well as the petitioner. Hence, the petitioner made a representation dated 7.1.2006, but, without considering the same, the 1st respondent officials are threatening her that they would lay the road through her vacant land. Hence, the writ petition.

Heard the learned counsel on either side and perused the record.

No doubt, the road widening process is in the interest of public at large. Insofar as the private properties are concerned, I am of the opinion that the respondents have to follow the due process of law while demolishing the structures.

Having regard to the facts and circumstances of the case, the respondents are directed not to acquire any portion of the vacant land of the petitioner without following the conditions laid down under sections 146 and 147 of Hyderabad Municipal Corporation Act, 1955.

Writ petition is disposed of accordingly. No costs.

_____

17.01.2006

rkk